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Consideration of reports of States parties

List of issues in relation to the combined third and fourth periodic reports of India

Addendum

Replies of India to the list of issues*

[Date received: 10 March 2013]

Part I

1. Please provide updated information on measures taken to guarantee the implementation of the Prohibition of Child Marriage Act in all states of the State party

1. The Prohibition of Child Marriage Act, 2006, prohibits child marriages rather than only restraining them and provides for punishment for those abetting or solemnizing child marriages. The Act prohibits the solemnization of child marriages, whereas person who, if a female has not completed 18 years of age and if a male has not completed 21 years of age.

2. The Act prescribes that States shall appoint Child Marriage Prohibition Officers (public servants) having responsibility over areas for preventing solemnization of child marriage/s, collecting evidence for prosecution of persons against the Act, counsel and sensitize communities, create awareness against child marriages and provide periodical statistics to the State Government in relation to these. The Act also empowers the State Governments to make rules for carrying out the provisions of this Act. Several States and Union Territories have also framed the Rules and appointed Child Marriage Prohibition Officers.

* The present document is being issued without formal editing.

3. Several other initiatives are also being taken by the Government to address child marriage. These include declaration of January 24 ever year as 'National Girl Child Day' to promote sensitization and awareness on the girl child, implementation of programmes like Rajiv Gandhi Scheme for Empowerment of Adolescent Girls, regular organizing of workshops, seminars and legal awareness camps to bring attitudinal changes to prevent child marriage.

2. Please provide detailed information on the definition of the child in all national and federal legislation affecting children

4. The age of child is defined differently in different legislation as per the objective and purpose of the specific law. The principal legislation to provide for care and protection of children – the Juvenile Justice (Care and Protection of Children) Act, 2000 – defines a 'juvenile' or 'child' as a person, who has not completed 18 years of age. Similarly, the recently enacted special law – Protection of Children from Sexual Offences Act, 2012 – also defines a child as any person below the age of 18 years.

5. The Government has recently adopted a new National Policy for Children, 2013 under which a child is defined as any person below the age of 18 years. This Policy is to guide and inform all laws, policies, plans and programmes affecting children.

6. A list of laws defining age of child is appended as annex I.

3. Please provide information on measures taken to ensure the effective implementation of the State party's anti-discrimination laws particularly for girls, children with disabilities, children in irregular migration situations, children of ethnic minorities, and children from scheduled castes and scheduled tribes, including the dalit and adivasi

7. The Indian Constitution prohibits indiscrimination on the grounds of religion and sex as such; all measures in place for the protection of citizens are also available to women and girls belonging to religious and cultural minorities also. Further while disallowing discrimination on the grounds of sex, the Constitution permits affirmative action for the welfare of the women and children.

8. As informed in India's periodic reports, Government of India is committed to tackling discrimination. Further, Indian Constitution accords special status to children and recognizes the need for provision to secure and safeguard their entitlements (Article 15(3)). Article 39 (f) of the Constitution enjoins that the State shall direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

9. The National Policy for Children 2013 forms the main basis for strategies in place for the welfare of the children. The Policy takes special note of children who are socially, physically handicapped and emotionally disturbed, aiming to provide on a priority basis education, training, special treatment, rehabilitation and care for them. The Twelfth Five Year Plan has adopted fulfillment of child rights as a sensitive lead indicator of national development, at national, state, district and local levels. This is meant to provide an overarching framework to which concerned ministries/departments that impact the lives of children, are committed. Several flagship programmes of the Government focus on fulfilling rights of children, including rights of children of vulnerable groups to health and education. These include the Integrated Child Development Services (ICDS), Sarva Shiksha Abhiyan (SSA), Mid-Day Meal Scheme (MDMS), and National Rural Health Mission (NRHM).

10. In order to ensure that vulnerable groups share the benefits of overall economic growth in a more equitable manner, the Government has provided for Scheduled Caste (SC)

Sub Plan and Tribal Sub Plan for Scheduled Tribes (ST). The purpose of these Plans is to channelize funds and benefits through identified schemes for SCs and STs.

11. The Government through various schemes also provides scholarships to children belonging to vulnerable groups to pursue their education such as, Centrally sponsored Scheme of Pre-Matric and post Matric Scholarship for Scheduled Castes Students, National Overseas Scholarships for Scheduled Castes (SC), Special Educational Development Programme for Scheduled Castes Girls belonging to low Literacy Levels, Pre-Matric Scholarships for the Children of those Engaged in Unclean Occupations, Pre-Matric and Post Matric Scholarship for OBC Students, Pre-Matric and Post Matric Scholarship for ST Students.

12. The National Commission for Protection of Child Rights (NCPCR), set up in 2007 under the Commission for Protection of Child Rights Act, 2005, has the mandate to ensure that each and every child has an access to all entitlements and enjoys all rights. One of the core mandates of the Commission is to inquire into complaints of violations of child rights. The Commission is also required to take suo moto cognizance of serious cases of violation of child rights and examine factors that inhibit the enjoyment of rights of children including rights of children belonging to vulnerable groups.

13. The Government has also enacted Protection of Children from Sexual Offences Act, 2012 to protection all children including children of vulnerable groups from the offences of sexual assault, sexual harassment and pornography.

14. The implementation status of various specific anti-discrimination laws is given below:

(a) The Scheduled Castes and Schedule Tribes Prevention of Atrocities (PoA) Act, 1989: Under the PoA Act, structures and mechanisms have been setup in States for its effective implementation, these include:

(i) Special Courts designated in 31 States and UTs for trial of cases. Nine States have set-up 170 exclusive Special Courts for speedy trial of cases. Wherever, Special Courts have been designated or set-up, Special Public Prosecutor have also been appointed by the State Government;

(ii) SC/ST Protection Cells set up 21 states and UTs at state headquarters under the charge of Director General of Police, Additional Director General of Police or Inspector General of Police;

(iii) Special Police Stations for registration of complaints of offences against SCs and STs set up by the Governments of Bihar, Chhattisgarh Jharkhand, Kerala and Madhya Pradesh;

The average charge sheeting rate for the crimes against SCs and STs stood at 91.8% and 95.8% respectively. The average conviction rate for crimes against SCs and STs stood at 23.9% and 22.5% respectively;

(b) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) (PWD) Act, 1995: The Government is currently working to amend the PWD Act keeping in view the developments that have taken place in the disability sector since the adoption of the Act in 1995 and to harmonize the provisions of the Act with United Nations Convention on the Rights for Persons with Disabilities and provisions of other legislation on the subject;

(c) Pre-Conception and Pre-Natal Diagnostic Technique (Prohibition of Sex Selection) (PCPNDT) Act, 1994: The PCPNDT Act provides for the prohibition of sex selection, before or after conception, and for regulation of prenatal diagnostic techniques and for the prevention of their misuse for sex determination leading to female foeticide. (See response to question No.10).

4. Please provide information on measures taken to ensure the prioritization of the right of the child to have his or her interests taken as a primary consideration in all areas of the legislative, executive and judicature of the State party. In doing so, please provide specific details on measures taken to guarantee this right for children whose parents are involved in criminal proceedings, specifically in sentencing and cases involving capital punishment

15. The Constitutional provisions, legislations, policies and action plans and schemes increasingly include prioritization of the right of the child to have his or her interest as a primary consideration.

16. The Government has adopted a new National Policy for Children, 2013, which commits the State to promote child friendly jurisprudence and enact progressive legislation to address issues related to children including protection of children. The Policy is based on some guiding principles which include the best interest of the child as a primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, courts of law, administrative authorities, public, private, social, religious or cultural institutions. The Policy is to guide and inform all laws, policies, plans and programmes affecting children.

17. The National Commission for the protection of the Child Rights Act, 2005 provides a forum in the form of the National Commission for the Protection of Child Rights, various State Commissions for the protections of child rights and children's courts for the speedy trial of legal matters relating to children in need of care and protection. The Commission is also empowered to enforce compliance with laws, judicial decisions and policy guidelines in the area of child rights and can take measures for the protection of children.

18. Prison Administration is primarily the responsibility of the State Governments however; various administrative and legislative reforms measures initiated by the Government of India are being implemented by the respective State Governments/UT Administrations. Children, whose parents are involved in criminal proceedings, are defined as children in need of care and protection under the Juvenile Justice (Care and Protection of Children) Act, 2000. The integrated Child Protection Scheme is being implemented to counter budgetary constraints and implementation difficulties in the operationalization of the Juvenile Justice Act. This scheme provides technical assistance to the various States in the country for the protection of children. The Scheme provides statutory care and rehabilitation services to such children such as homes of various types, open shelters for children in urban and semi urban areas and family based non-institutional care through sponsorship, foster care and adoptions.

19. With regard to children who accompany their parents to prison, the Supreme Court in the case of *R D Upadhyaya* v. *State of Andhra Pradesh* (Civil Writ Petition no.559 of 1994) on 13 April, 2006 has formulated guidelines for improving the conditions of women prisoners and their accompanying children. The Government has issued advisory to all the States/UTs to take urgent action for implementing the these guidelines, which include providing the children with a healthy and clean environment, nutritious diet, good medical care, adequate clothing, educational and recreational facilities and children below three years to be kept in a crèche and those between 3-6 years in a nursery. The State Legal service authorities are required to periodically inspect prisons to monitor that the directions given by the Supreme Court are followed in letter and spirit. The Government has also issued a comprehensive advisory on 17 July 2009 to all the States/UTs on all aspects of prison administration which includes implementation of recommendations of various committees on prison reforms, court judgment, etc.

5. **Please provide updated information on the large scale Posco steel plant and port in Odisha. In doing so, please provide detailed information on measures taken, if any, to ensure adequate safeguards for guaranteeing compliance with the Convention and international human rights standards in the said subject**

20. No violation of child rights has taken place in the Pohang Iron and Steel Company (Posco) Steel Plant in Odisha. District Administration has taken proactive steps to safeguard the best interest of children in the project area and has provided all necessary facilities. Children in the project area are regularly attending schools/Anganwadis and accessing government services and facilities as per their rights and entitlements. There is no violation of any child right in the area and the district administration is conscious of the ethical values of human rights and particularly about the children's right and is taking proactive steps to safeguard the best interest of the child in the project area.

6. **Please provide detailed information on measures, if any, to ensure that legislation and procedures relating to surrogate birth is compliant with the Convention, particularly articles 3, 6, 7, 8, 9, 19, 21 and 35**

21. The Ministry of Health and Family Welfare is currently working on a draft Assisted Reproductive Technology Bill, which will provide a National Framework for the Accreditations, Regulation and Supervision of the Assisted Reproductive Technology Clinics and Banks for prevention of misuse of assisted reproductive technology including surrogacy, for safe and ethical practice of assisted reproductive technology services and for connected matters. The Bill is still in a draft stage and is under discussion.

22. Further, the Hon'ble Supreme Court of India in its W.P. (c) No. 369 of 2008 in Baby Manji Yamada Petitioner Versus Union of India & amp, defined surrogacy and stated that any dispute in the context of surrogacy arrangements is to be looked into by the National and State Commission for Protection of Child Rights.

23. The National and State Commission for Protection of Child Rights under the Commissions for Protection of Child Rights Act, 2005, have the right to inquire into complaints and take suo motu notice of matters relating to, (i) deprivation and violation of child rights (ii) non-implementation of laws providing for protection and development of children and (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities.

7. **Please provide updated information on measures taken by the State party to include children with disabilities in all its programmes for children in a manner that is consistent with the rights laid out in the Convention. In doing so, please indicate measures taken to provide for the inclusive education of children in full compliance with the principle of reasonable accommodation**

24. The Details of programmes and provisions for children with disabilities in consistent with the rights laid out in the Convention were provided in chapter 6B of India's combined third and fourth periodic reports on the Convention on Rights of the Child.

25. The National Policy for Children, 2013 forms the basis for nearly all the strategies in place for the welfare of the children. The Policy takes special note of children who are 'socially handicapped', 'physically handicapped' emotionally disturbed and mentally retarded and aims to provide, on a priority basis, education, training, special treatment, rehabilitation and care for them'.

26. In addition, in 2012, the Government made amendments to the Right of Children to Free and Compulsory Education Act, 2009. The amendment provides for inclusion of:

- Children with disabilities within the meaning of child belonging to disadvantaged group.

- Children suffering from cerebral palsy, autism and multiple disabilities as defined under National Trust Act.

- Option of home based education for children with severe and multiple disabilities; however, to be used as a preparatory step to schooling.

27. The enrolment of children with disabilities in primary schools since the enactment of the Act has increased from 1.4 million in 2009-10 to 2.2 million in 2012-13.

28. The Government has recently launched a new initiative called the Rashtriya Bal Swathya Karyakaram, in 2013, which includes provision for child health screening and early intervention services through early detection and management of 4Ds that is defects at birth, diseases, deficiencies, development delays including disability. An estimated 270 million children in the age group of 0-18 years are expected to be covered across the country in a phased manner. Child health screening and early intervention services will cover 30 common health conditions including disability for early detection and free treatment and management.

29. Under the Integrated Child Protection Scheme, specialized units are provided attached to Homes to address the needs of children with disabilities. The Scheme provides additional support to all institutions, including two additional staff, if it is housing children with disabilities. It provides flexibility to State Governments to either integrate such programme in existing institutions or set up separate specialized units where required. A separate home however is only to be set up in a situation where there are a large number of children with disabilities in a district or group of districts as the aim is to create an inclusive rehabilitation programme for these children.

30. Further, the Government has also restructured and strengthened the flagship programme – Integrated Child Development Services (ICDS) Scheme, which now has lays special focus on children with disabilities. The programme is now implemented in a mission mode. The restructured Scheme in its Mission Mode is facilitating and strengthening integrated and inclusive early childhood care and development services to all children with special needs through its Anganwadi Centres. A range of interventions including early identification, assessment and determination, care and counseling services as well as family and community based rehabilitation services for children with disabilities is being facilitated and strengthened by the Mission in close convergence with other departments including Health, Education and Social Welfare. The various need based interventions/services under the Scheme include:

(a) Identification of children with special needs;

(b) Linking children with special needs with existing service provisions;

(c) Training and sensitization of AWWs, Link Workers and families;

(d) Assistive devices/special education kit/books;

(e) Improved accessibility;

(f) Referral Services.

8. Please provide updated details on measures taken to implement the Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCH+A) Strategic Plan and monitor its implementation. In doing so, please indicate measures taken to address infant mortality and maternal mortality

31. Measures taken to implement the Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCH+A) Strategic Approach, 2013 and to address infant mortality are given below:

(i) Facility Based Newborn Care (FBNC). This ensures that every newborn receives essential care right from the time of birth and first 48 hours at the health facility. Newborn Care Corners (NBCCs) are established at delivery facilities to provide essential newborn care, while Special Newborn Care Units (SNCUs) and Newborn Stabilization Units (NBSUs) provide care for sick newborns. Till October 2013, a total of 13,469 NBCCs, 1,640 NBSUs and 470 SNCUs have been made operational across the country.

(ii) Home Based Newborn Care (HBNC) Scheme is being implemented since 2011 for reduction of neonatal mortality in the first month of life in rural areas. Under the Scheme, funds are allocated for training of Accredited Social Health Activists (ASHA), supportive supervision by ASHA facilitators, incentive to ASHAs for home visits and purchase of HBNC kits. ASHAs are paid an incentive of Rs.250/- for visiting each newborn 6 times (in case of hospital delivery)/7 times (in case of home delivery) in the first six weeks of life as per the schedule. The HBNC is being implemented in all states and UTs except for Himachal Pradesh, Goa, Kerala, Chandigarh, Daman & Diu and Puducherry. Out of 0.88 million ASHAs in the country, 0.519 million have been trained in modules, which provide necessary skills to conduct home visits.

(iii) Nutritional Rehabilitation Centers (NRCs) are being set up, which play a crucial role in averting deaths due to under nutrition and promoting physical and psychological growth of children with severe under nutrition. Services provided at NRCs include:

- 24 hour care and monitoring of child;
- Treatment of medical complication;
- Therapeutic feeding;
- Sensory stimulation and emotional care;
- Counseling on appropriate feeding, care and hygiene;
- Demonstration and practice-by-doing on the preparation of energy dense food using locally available, culturally acceptable and affordable food items.
- Presently, 784 NRCs are functional across 16 states/UTs. The states are directed to prioritize high focus districts and the tribal districts identified as having high burden of malnutrition for establishment of NRCs. As a result, 75% of high priority districts in 14 states now have at least one functional NRC.

(iv) Supplementation with Micronutrients: A new initiative called the National Iron Plus Initiative has been launched, which lays a renewed emphasis on tackling high prevalence of anaemia comprehensively across age groups. The national guidelines have been developed and circulated to all States and UTS for compliance.

(v) The Government has revised the financial norms of supplementary nutrition under the Integrated Child Development Services (ICDS) Scheme with effect from 2012.The financial norms have been raised to meet the challenge of increase in prices of food items and fuel. The purpose of supplementary nutrition is to bridge the gap between the recommended dietary allowance and the average daily intake of children and pregnant and lactating women.

Measures to address maternal mortality

32. Janani Suraksha Yojana (JSY) is under implementation throughout the country since 2005. The scheme encourages institutional delivery among pregnant women by providing conditional cash assistance. The eligibility criteria under the scheme have been revised

form 7 May 2013. Now, the financial assistance of Rs. 1400/- in rural areas and Rs. 1000/- in urban areas is provided for institutional delivery to all pregnant women regardless of age and parity (number of pregnancies) who give birth in a government or private accredited health facility in Low Performing States (LPS). LPS include Uttar Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Rajasthan, Bihar, Jharkhand, Odisha, Assam and Jammu &Kashmir. In High Performing States (HPS), financial assistance Rs. 700 in rural areas and for Rs.600/- in urban area is provided to all women from Below Poverty Line /SC/ST regardless of age and number of children for delivery in government /private accredited health facilities. Further, in all the States/UTs, the scheme provides Rs. 500/- to BPL women, who prefer to deliver at home regardless of age and number of children.

33. The number of beneficiaries under the Scheme has increased from 10.66 million in 2012-13 to 12.3 million in 2013-14.

34. In addition, the Indira Gandhi Matritva Sahyog Yojana (IGMSY) a 100% Centrally Sponsored Scheme, was launched by the Government in 2010-11 on pilot basis in 53 districts covering all the States and UTs of the country. The scheme contributes to better enabling environment by providing cash incentives for improved health and nutrition to pregnant and lactating women. The scheme also partly compensates for wage loss to Pregnant &Lactating women both prior to and after delivery of the child. In the scheme each pregnant and lactating mothers (who are 19 years of age or above and upto two live children only) in selected districts receive a total cash incentive of Rs. 6,000/- in their bank or post office accounts in two installments that is Rs. 3000/- each at the end of 7th month of pregnancy and after completion of 6 months of birth, upon fulfillment of specified maternal and child health conditions. The Government is in the process of revising the scheme to bring it in conformity with the provisions of the recently enacted National Food Security Act, 2013.

35. The number of beneficiaries under the Scheme was 0.636 million in 2012-13 and the target for 2013-14 is 1.04 million.

36. The Rajiv Gandhi Scheme for Empowerment of Adolescent Girls, Sabla introduced on a pilot basis in 205 selected districts also aims at improving the health and nutrition status of adolescent girls in the age group of 11-18 years. The Scheme has two major components- nutrition and non-nutrition component. Under the nutrition component, girls are provided age appropriate knowledge with respect to reproductive cycle, marriage and pregnancy at right age, child care and child feeding practices, etc. The number of beneficiaries under the Scheme under the nutrition component has increased from 4.44 million in 2010 to 11.42 million in 2012-13.

37. The Government has recently introduced a new scheme for adolescent boys – Rajiv Gandhi Scheme for Empowerment of Adolescent Boys, Saksham, for the holistic development of adolescent boys and provides them education on nutritional requirements and balanced diet.

38. In addition to these direct and specific intervention targeted towards the vulnerable groups such as women and children and adolescent girls, indirect multi-sectoral interventions are also being implemented by the Government to address infant mortality and maternal mortality. These include: targeted public distribution system, Mahatma Gandhi National Rural Employment Guarantee Scheme, Nirmal Bharat Abhiyaan etc.

9. Please provide updated information on measures taken to prevent and treat under nutrition. In doing so, please provide information on any mechanism in place for regular and updated monitoring and evaluation of these measures

Updated information on measures taken to treat under nutrition

39. The Government has recently enacted the National Food Security Act, 2013, which has come into force from 5 July 2013 and extends to whole of India. The Act provides for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. In case of children in the age group of 6 months to six years, the Act provides for age appropriate meal, free of charge, through the local Anganwadi so as to meet the nutritional standards specified in the Schedule of the Act. For children in the age group of 6-14 years, the Act provides for one mid-day meal, free of charge, every day, except on school holidays, in all schools run by local bodies, as per nutrition standards specified in Schedule of the Act. For the prevention and management of child malnutrition, the State Governments, through the local Anganwadi are to identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule of the Act.

40. Similarly, to address nutritional support to pregnant women and lactating mothers, the Act provides for meal, free of charge, during pregnancy and six months after the child birth, through the local Anganwadi, so as to meet the nutritional standards specified in the Schedule of the Act.

41. The Schemes for women and children that implement the provisions of the Act include the Integrated Child Development Services (ICDS) and Indira Gandhi Maitritva Sahyog Yojana (IGMSY):

(a) The Government has recently approved strengthening and restructuring of ICDS Scheme on 24.09.2012 with an overall budget allocation of Rs.1,23,5800 million during 12th Five Year Plan. The key features of the strengthened and restructured ICDS inter-alia include addressing the gaps and challenges with:

(i) Special focus on children under three years and pregnant and lactating mothers;

(ii) Strengthening and repackaging of services including care and nutrition, counseling services and care of severely underweight children;

(iii) A provision for an additional Anganwadi worker cum nutritional counselor for focus on children under 3 years of age and to improve the family contact, care and nutrition counseling for pregnant and lactating mothers in the selected 200 high-burden districts across the country, besides having provision of link worker on demand from states;

(iv) Provision for 5% crèche cum Anganwadi centre;

(b) The Multi-sectoral Programme to address Maternal and Child Under nutrition is also being implemented as a special intervention in 200 high burden districts across the country in a phased manner. The first phase is being implemented in 100 districts from the year 2013-14, while in the second phase, it will be scaled up to cover 200 districts during the year 2014-15. The main objectives of the programme are listed below:

(i) Ensuring strong nutrition focus through institutional and programmatic convergence. This is to undertaken by integrating planning, implementation and supervision processes in all relevant direct and in-direct interventions/programmes;

(ii) Increasing availability and accessibility of key maternal and child health and nutrition services at all levels through convergence of sectoral programmes;

(iii) Bridging the critical gaps in inter-sectoral programmatic and institutional arrangements for addressing maternal and child under nutrition at national, state, district, block and village levels;

(iv) Enhancing capacities and skills of service providers, care givers, voluntary action group, mother's groups and communities;

(v) Ensuring convergent multi-sectoral actions for empowering families and communities for improved care behaviors such as early and exclusive breastfeeding for the first six months and optimal IYCF, health, hygiene, psychological and early learning and care for girls and women;

(c) A nation-wide IEC campaign against malnutrition was launched on 19 November 2012 by Hon'ble President of India at New Delhi. The campaign aims at:

(i) Creating awareness about nutrition challenges and the importance of optimal nutrition and creating an enabling environment to mobilize communities to prevent malnutrition;

(ii) Promoting home level care and behavior orientation for appropriate infant and young child feeding practices, child care and development, optimal nutrition and care during pregnancy and lactation, and better utilization of available services;

(iii) Reaching out to families, pregnant women, mothers, caregivers, adolescent girls, PRIs, teachers, opinion leaders and community at large.

The campaign gives priority to States where the prevalence of under-nutrition amongst children is high while making general efforts in other parts of the country.

The Government has launched a Nutrition Resource Platform (NRP) to collect, collate and make available resources and materials on nutrition and child development to diverse stakeholders such as Nutrition & Child Care professionals, Frontline Workers like Anganwadi Workers, Policy Makers and Implementers, Academia, Grass Root Organizations as well as National and International Organization working in the field of Nutrition and Child Care. NRP is an interactive knowledge resource base which facilitates real quick time interaction, exchange of ideas, discussions between Integrated Child Development Services (ICDS) and other stakeholders to promote a better understanding of the existing and the newer researches in the field of nutrition and child care.

(d) Nutrition focus is given to various schemes such as Indira Gandhi Matritva Sahyog Yojana (IGMSY)and Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (Sabla) (Refer to response to question 8 of this report for details):

- In order to treat malnutrition, Nutritional Rehabilitation Centers (NRCs) are being set up, which play a crucial role in averting deaths due to under nutrition and promoting physical and psychological growth of children with severe under nutrition. The states are directed to prioritize high focus districts and the tribal districts identified as having high burden of malnutrition for establishment of NRCs. As a result, 75% of high priority districts in 14 states now have at least one functional NRC.

Mechanism in place for regular and updated monitoring and evaluation of measures to address under nutrition

42. The Government conducted the evaluation of ICDS Scheme in 2011 to understand the ground reality about the programme design, implementation process, outcome and impact. The evaluation was conducted by an independent organization – National Council for Applied Economic Research. The Indira Gandhi Matritva Sahyog Yojana (IGMSY) and Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (Sabla) also have the

provision of independent evaluation as these schemes are in pilot phase. The evaluation of these Schemes was conducted in 2012 by Administrative Staff College of India.

43. Under the ICDS programme, there already exists a Monitoring Cell at central level in the Ministry of Women and Child Development, which is responsible for collection and analysis of the periodic reports received from the States/UTs in the prescribed formats which are compiled, processed and analyzed at the central level on quarterly basis. The progress and shortfalls indicated in these reports are reviewed regularly by the Ministry with the respective State/UT Governments.

44. In order to improve the performance of ICDS, Government has introduced a 5-tier monitoring and review mechanism at different levels (national/state/district/block and Anganwadi level) by involving representatives from the public. Government has issued guidelines in March, 2011 for constitution of "Monitoring and Review Committees" at different levels including state level to review progress in implementation of the ICDS Scheme.

45. Further to ensure quality of supplementary nutrition and food safety, the Government has taken several measures, these include gearing up the machinery and adhering to norms and guidelines and follow safety measures. Operational guidelines for food safety and hygiene for supplementary nutrition under ICDS are being formulated and directed to the states. In addition, a system of surprise checks/inspections by regional centres of NIPCCD, Food and Nutrition Boards field Units and good Anganwadi Training Centres is also in place for feedback.

10. Please provide detailed information on the reporting procedures and enforcement mechanisms for Pre-Conception and Pre-Natal Diagnostic Techniques Act. In doing so, please provide updated details on the number of cases registered under this Act in 2011 and 2012

46. The offences under the Pre-Conception and Pre-Natal Diagnostic Technique (PCPNDT) Act are cognizable, non-bailable and non-compoundable. The Act is implemented through the appropriate authorities. The Appropriate Authorities function with the aid and advice of an Advisory Committee. The Advisory Committee is appointed by the Central or the State Government, as the case may be, to assist and advise the Appropriate Authority in the discharge of its functions. The functions of the Appropriate Authority include to:

- Grant, suspend or cancel the registration.
- Enforce the standards for genetic counselling centre, genetic clinic and genetic laboratory.
- Investigate complaints of breach of provisions of the PCPNDT Act and the Rules and to take the complaints to the court;
- Take appropriate legal action against the use of any sex selection technique by any person at any place, suo motu or brought to its notice and also to initiate independent investigations in such matter.
- Create public awareness against the practice of sex selection or pre-natal determination of sex.
- Supervise the implementation of the provisions of the Act and rules.
- Recommend to the Central Supervisory Board and State Boards, if any, modifications required in the rules in accordance with changes in technology and social conditions.
- Take action on the recommendations of the Advisory Committee made after investigation of complaint for suspension or cancellation of registration.

47. The Appropriate Authority also has following powers meant to strengthen its hands while in discharging its functions:

(a) Summoning of any person who is in possession of any information relating to violation of the provisions of this Act or the rules made thereunder;

(b) Production of any document or material object relating to clause (a);

(c) Issuing search warrant for any place suspected to be indulging in sex selection techniques or pre-natal sex determination; and

(d) Any other matter which may be prescribed.

48. Under the PCPNDDT Act, a complaint can be made by:

(a) Appropriate authority concerned;

(b) Any officer authorized in this behalf by the Central Government or State Government or the Appropriate Authority;

(c) Person who has given notice of at least 15 days to the Appropriate Authority of the alleged offence and of his intention to make a complaint in the court i.e. if the Appropriate Authority fails to take action on the complaint made by a person, on the lapse of 15 days, that person can directly approach the court;

(d) Every public spirited person can activate the PCPNDT law for the violation of the same and he /she can seek the assistance of a lawyer, an NGO or even a group of persons can file a complaint together.

49. The Government has set up a Support and Monitoring Cell on Sex Selection it includes medical, legal and police experts and social scientists. Initially, the Cell's focus is on states which have a low sex ratio - Punjab, Haryana, Chandigarh and Delhi. The Cell guides and builds the capacities of the Appropriate Authorities/ Medical Officers in the state to ensure effective implementation of the Act.

50. Training programmes and workshops are held to sensitize and provide relevant information to the Appropriate Authorities, whose powers include search, seizure and sealing of machines, equipment's and records. These sessions help to resolve any doubts in their minds. The Government has also provided the AAs with a Handbook on the Act.

51. The PCPNDT Act regulates the sale of ultrasound machines, which is permitted only to bodies/ institutions registered under it. To ensure that this information reaches doctors and manufactures of such machines, the Ministry of Health and Family Welfare has issued country-wide advertisements about the Amendments made to the PNDT Act which regulate the sale of ultra-sound machines/imaging machines only to clinics registered under the Act. Manufacturers of ultrasound machines are required to send reports to the Appropriate Authorities (AA) giving details of the clinics and doctors to whom they have sold such machines, so that the AAs can monitor their use. A detailed list of cases registered under the Act is appended at annex II.

52. Based on the experience of the implementation of the Act, the Government is planning to review the PCPNDT Act to make necessary changes for its effective implementation.

11. Please provide updated information on the implementation of the Right to Education Act, 2009 for guaranteeing children between 6 and 14 years of age free, mandatory and quality education. Please provide information on measures taken to ensure the provision of early childhood care and education at local levels, particularly for children below three years of age

53. The Right of Children to Free and Compulsory Education Act, 2009 has resulted in considerable reduction in gender and social category gaps especially at the primary level.

Universal access within habitation has been achieved except in a few locations at the primary level and is closed to 93% coverage at upper primary level. The status of the implementation of the Act is given in annex III.

54. The Government has recently adopted a National Early Childhood Care and Education (ECCE) Policy on 27 September, 2013. The Policy conforms to the vision of holistic and integrated development of the child, with focus on care and early learning at each sub-stage (conception to birth, birth to three years and three to six years) of the developmental continuum, in order to support children's all round and holistic development. The Policy commits the Government to provide universal and equitable access to ECCE for all children through a decentralized and contextualized approach. Access to ECCE will be mainly through ICDS and in convergence with other relevant sectors/programmes. The Government will provide universal access to services for each sub stage that will include health, nutrition, age appropriate care, stimulation and early learning in a protective and enabling environment. No child will be subjected to admission test, written or oral for granting admission to an ECCE centre.

55. Under the Policy, the AWC is repositioned as a "vibrant child friendly ECD centre" with adequate infrastructure, financial and human resources for ensuring a continuum of ECCE in a life cycle approach and attaining child development outcomes. AWC-cum-crèchesare being developed with provision of full range of services, including care, planned early stimulation component, health, nutrition and interactive environment for children below three years.

56. The ECCE Policy callas for promoting developmentally appropriate practices of ECCE through a multi-pronged approach of laying down norms and quality standards; developing curriculum framework; provision of appropriate and adequate play material; conducting programme assessment and child assessment.

12. Please provide information on measures taken to address child labour. In doing so, please provide information on national programmes for the rehabilitation of children subject to child labour. Please also provide information on measures taken to combat the trafficking of children for labour at state and national levels

57. Considering the magnitude and nature of the problem of child labour, Government is following a multi-pronged strategy to tackle the problem. It comprises of statutory and legislative measures, rescue and rehabilitation, universal primary education along with social protection, poverty alleviation and employment generation.

58. The Child Labour (Prohibition & Regulation) Act, 1986, prohibits the employment of children below the age of 14 years in 18 occupations and 65 processes. Act regulates the working conditions of children where they are not prohibited from working. Any person who employs a child in any occupation or process where employment of children is prohibited under the Child Labour Act, is liable for punishment with imprisonment or with fine. To make the provisions of the Child Labour Law stringent, a proposal for amendments in the Child Labour (Prohibition and Regulation) Act, 1986, is under consideration with the Government. The Child Labour (Prohibition &Regulation) Bill, 2012 has been placed in the Parliament and is presently under examination with Parliamentary Standing Committee. The Amendment Bill inter alia covers (i) complete prohibition on employment of children below 14 years and linking the age of the prohibition with the age under the Right of Children to Free and Compulsory Education Act (ii) prohibition of working of adolescents (14-18 years) in hazardous occupations (iii) more strict punishment to the offenders and making the offences under the Act cognizable (iv/) providing a statutory role to the local district administration officials in the implementation of the law. These amendments will also bring the national laws in conformity with the ILO Conventions 138 and 182 and would remove a major impediment in India's ratification of these Conventions.

59. Programmes and Schemes to address child labor were provided in detail in section 8C 1.3 of India's combined third and fourth periodic reports on the Convention on Rights of Child. Considering poverty and illiteracy are the root cause for child labour, the Government has adopted the strategy of supplementing the educational rehabilitation of the children with economic rehabilitation of their families so that they are not compelled by the economic circumstance to send their children to work. Government is taking various pro-active measurers as listed below:

- Enactment of the Food Security Act, 2013, with effect from 5 July 2013 to ensure access to adequate quantity of quality food at affordable prices to people to live life with dignity.
- Implementation of the National Rural Employment Guarantee Act, 2005 through the Mahatma Gandhi National Rural Employment Guarantee Scheme in 644 Districts across the Country. The Act provides for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work.
- Provision of food and shelter to children withdrawn from work in Children Homes, Shelter Homes and Open Shelters as part of the provisions of the Integrated Child Protection Scheme.
- Mid-day meal is provided to children in training centres under the National Child Labour Project (NCLP) Scheme. As on date 6339 special training centres are in operation under NCLP scheme. As on date about 0.99 million children have been mainstreamed into the formal education system since the beginning of the Project.

60. Ministry of Labour & Employment is taking number of steps for rescue, safe repatriation and rehabilitation of migrant and trafficked child labour, these include a detailed protocol for prevention, rescue, repatriation, rehabilitation and reintegration of migrant and trafficked child labour has been issued as a guideline to be followed by the State Governments. Workshops are also held to sensitize the various stakeholders, including officials of State Governments.

61. Advisories are issued by Ministry of Home Affairs for preventing and combating human trafficking in India particularly in dealing with foreign nationals. The Advisory lays down procedure for investigation, treatment of victims, including their repatriation and ensuring better conviction rates of perpetrators of the crime of trafficking.

13. Please provide updated information and details on national legislation regarding persons and children in a refugee and/or asylum seeking situation

62. Even though India has not signed the United Nations Convention on Refugees of 1951 or its 1967 Protocol, India has been practicing the principle of voluntary repatriation and equality before law of all refugees including children. The refugees are provided access to basic Government facilities such as health and education. India's framework for refugee's protection is second to none.

14. Please provide information on measures taken to ensure the effective implementation and periodic evaluation of the Juvenile Justice Act. In doing so, please also provide details on the non-institutional care options and the timeline for the implementation of measures relevant to it

63. The Juvenile Justice (Care and Protection of Children) Act, 2000 has been enacted and enforced in the entire country from April 2001. In order to ensure speedy implementation, the Ministry of Women and Child Development has framed Model Rules, 2007 under the Act for the guidance of State Governments/UT Administrations and circulated these to all the State Governments/UT Administrations with the request to

adopt/adapt these Model Rules. The Act has also been amended twice already, in 2006 and 2011, vide the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 and 2011, in order to address gaps in implementation and make the legislation more child-friendly. In 2006, to make the Act more effective, time-lines were provided for setting up of Juvenile Justice Boards and Child Welfare Committees and for compulsory registration of Child Care Institutions etc. A provision was also made for Child Protection Units at State and District level to ensure the implementation of the Act. The scope of the Act was also widened to include working children, children living on the streets, those found begging, etc.

64. As on date, Child Welfare Committees have been set in 619 districts out of 660 districts across the country and Juvenile Justice Boards have been set up in 608 districts across the country. The Central Government regularly follows up with States for setting up of structures under the Act. The setting up of Juvenile Justice Boards is also being monitored by Hon'ble Supreme Court of India.

65. Further, to address implementation and structural issues under the Act, the Government is working on amending the Juvenile Justice (Care and Protection of Children) Act, 2000. It is proposed to monitor Juvenile Justice Boards and Child Welfare Committees through high level committees. Some of the key amendments include: Functions and responsibility of Juvenile Justice Boards (JJBs) & Child Welfare Committees (CWCs), which were hitherto not a part of the Act have been added to help JJBs and CWCs to perform their functions with more clarity; existing time line for decisions in the JJBs is 4 months. This has now been proposed to be reduced to two months and incase inquiry proceeds beyond the time line, it is proposed that in case of non-serious offence, the JJB should close the case without further delay; orders that may be passed by CWCs, have been clearly detailed. This has been done as due to absence of this in the present version of the Act, CWCs were taking random decisions on their own including those for adoption of children; monitoring of JJBs and CWCs through high level committees has been proposed. These are to be State level committees and include the participation of nodal departments such as home and bodies such as the State legal services Authority.

66. In order to encourage quicker establishment of structures and procedures under the Juvenile Justice (Care and Protection of Children) Act, 2000 the Ministry of Women & Child Development introduced, in 2009-10, the Integrated Child Protection Scheme (ICPS) under which financial and technical support is provided to the State Governments/ UT Administrations to provide protection services to children in difficult circumstances. ICPS has brought in a number of new initiatives such as dedicated service delivery structures at State and district levels, child tracking system a five tier monitoring system etc.

67. ICPS provides for dedicated structures for protection of children at different levels. At the national, there is a Central Project Support Unit, headed by Joint Secretary of Government of India. At the State level, there are State Child Protection Societies (in 34 States and UTs), State Project Support Units (in 28 States and UTs) and State Adoption Resource Agencies (in 26 States and UTs). At the district level, District Child Protection Societies have been formed in 589 districts across 30 States/UTs. The various care, support and rehabilitation services provided under the Scheme include:

- Emergency outreach service through a 24 hour dedicated phone helpline 1098 (Child line) for children in crisis. Child line is operational in 280 locations through 552 partners.
- Open Shelters as community based safe spaces for children in need in urban and semi-urban areas. 193 open shelters are being run in across the country.
- Family based Non - Institutional care services such as adoption, sponsorship, foster care and aftercare program.
- 1253 types of various Homes supported under Institutional Services.

- Sensitization and Capacity Building initiatives.
- Building a Knowledge base through research and documentation.
- Advocacy, Public Education and Communication.
- "TRACKCHILD" – web enabled MIS on child protection including a website for missing children.
- Systematization of monitoring mechanisms, which includes E-governance as an online system for submission of monitoring & financial proposals.

68. The various non-institutional care options under the Act and ICPS are listed below:

(a) Adoption:

(i) The JJ Amendment Act 2006 empowers the State Government to recognize one or more of its institutions or voluntary organizations in each district as a Specialized Adoption Agencies (SAA), to facilitate the placement of orphaned, abandoned and surrendered children for adoption. In accordance, ICPS provides financial and other support, for the setting up and functioning of such SAAs in each district. Every SAA is to adhere to the guidelines or rules governing in-country/inter-country adoption, laid down by the State Government/Central Government from time to time.

(ii) SAAs provide quality childcare facilities for such children during the adoption process, including family based care during the pre-placement phase. Besides, all SAAs are also to inter alia maintain a database of Prospective Adoptive Parents (PAPs), carry out court procedures for adoption or placement of a child, match children declared free for adoption by the Child Welfare Committees (CWCs) with adoptive parents, provide pre and post counseling to all PAPs and carry out post-adoption follow up. 244 Specialized Adoption Agencies supported.

(iii) The Government has also adopted guidelines on adoption in 2011. The guidelines govern adoption procedure only for orphan, abandoned and surrendered children as defined under the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act). Key features of these guidelines are:

- Priority to domestic adoption- Ratio of 80:20 (in place of the present 50:50) for in-country vis-à-vis inter-country adoption excluding special needs children.
- Expeditious adoption process through centralized dossier system for inter-country adoption; special norms for adoption of special needs children; permanent recognition for Recognized Indian Placement Agency (RIPA) and Authorized Foreign Adoption Agency (AFFA).
- Administrative Provisions for stringent stipulations for functioning of adoption agencies including inspections and conditions for de-recognition. All adoption agencies to register on Central Adoption Resource Information & Guidance System(CARINGS).

(b) Sponsorship and foster care:

In addition, the ICPS supports creation of a sponsorship and foster care fund that is placed at the disposal of the District Child Protection Society. This is a pilot project for which initially an amount of Rs.0.5 million is allocated for each district. Financial support is provided to a family to enable a child to remain in a family and continue his/her education, so that abuse and exploitation of the child can be prevented.

(c) Aftercare:

(i) The Juvenile Justice Act provides for rehabilitation and reintegration of children through sponsorship, foster care and after care programmes. As reintegration of young people who have lived in institutions and away from family and community for a while has been identified as a major issue in the spectrum of protection activities, this scheme will provide hand holding services once they leave the institution. This will ensure that there is an increase in the protection of children/ young people leaving institutional care and that they are self-sufficient and gainfully engaged in productive activity. ICPS supports creation of an aftercare fund that will be placed at the disposal of the District Child Protection Society. Initially an amount of Rs.0.1million is being allocated for aftercare fund for each district. The quantum of financial support for aftercare is Rs.2, 000/- per child per month.

(ii) The Government has recently enhanced financial norms under the Scheme to make it at par with other existing government schemes and flexibility in staffing and structural patterns. Accordingly, norms have been enhanced for, construction (Rs. 1000/sq.ft. from Rs. 600/sq.ft. earlier); maintenance grant in homes, open shelters, specialized adoption agencies from existing Rs. 750 per child per month to Rs. 2000 per child per month; salaries as well as other recurring administrative costs.

15. Please provide detailed and updated information on measures taken to ensure that child victims and witnesses of crimes, including sexual abuse, are provided with the protection required by the Convention and appropriate reporting and support procedures and mechanisms

69. The child victims and witnesses of crimes, including sexual abuse are provided adequate protection under various laws of the country. The Juvenile Justice (Care and Protection of Children) Act, 2000 is a comprehensive and forward looking legislation and is based on the principles of 'using a child-friendly approach in the adjudication and disposition of matters in the best interest of children.' Child victims are treated as children in need of care and protection under the Act. Rehabilitation and social reintegration of children, is given a lot of emphasis in this legislation, both, through institutional care (through various kinds of homes based) and non-institutional care mechanisms (such as adoption, sponsorship, foster care) and such services are delivered through collaboration between all stakeholders including parents, civil society organizations and other departments. Aftercare services have been provided for to handhold children leaving institutional care.

70. The recently enacted Protection of Children from Sexual Offences Act, 2012 provides for extensive child friendly procedures for the child victims and witnesses such as:

- Any person, including a child, who has knowledge that an offence, has been committed or has apprehension that it is likely to be committed can make the complaint to the local police station or to the Special Juvenile Police Unit.
- Special Juvenile Police Unit (SJPU) or the local police, after recording the statement of the child, required to make immediate arrangements (within 24 hours) for the medical and emergency care like admitting the child to a hospital or shelter home.
- Recording the statement of the child at the residence of the child or at the place of his choice.
- No child to be detained in the police station in the night for any reason.
- Police officer to not be in uniform while recording the statement of the child.
- Assistance of an interpreter or translator or an expert as per the need of the child.
- Assistance of special educator or any person familiar with the manner of communication of the child in case child is disabled.

- Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence. In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- Procedures have also been laid for the Special Court , which include : frequent breaks for the child during trial, child not to be called repeatedly to testify, no aggressive questioning or character assassination of the child, in-camera trial of cases, evidence of the child to be recorded within 30 days and trial to be completed, as far as possible, within a period of one year.
- Payment of compensation to the child for any physical or mental trauma caused or for immediate rehabilitation of the child.
- Assistance of legal counsel where the child or family is unable to afford a legal counsel.

71. In addition, the recently enacted Criminal Law Amendment Act, 2013 has also made amendments in several sections of the Code of Criminal Procedure, 1973, to provide for protection to victims including children.

Part II

(a) New bills or laws, and their respective regulations

72. To deal with child abuse cases, the Government has brought in a special law "The Protection of Children from Sexual Offences Act, 2012". The Act has come into force with effect from 14 November 2012 along with the rules framed thereunder. The Act provides protection to children from the offences of sexual assault, sexual harassment and pornography. Some of the key features of the Act are:

- Child defined as any person below the age of 18 years.
- Offences covered: Sexual Assault, Sexual Harassment and Use of child for pornography.
- Offence is aggravated when committed by persons in position of trust and authority.
- Burden of proof shifted on accused in case of serious offences (penetrative sexual assault and sexual assault).
- Failure to report and record commission of offence made punishable.
- False complaint with malicious intent also punishable.
- Media not to disclose identity of child unless permitted by Special Court.
- Child-friendly process for reporting and recording of evidence.
- A Court of Session in each District to be designated as Special Court for speedy trial.
- Evidence to be recorded within 30 days.
- Completion of trial by Special Court within a year.
- National Commission for Protection of Child Rights (NCPCR) and SCPCRs designated as Monitoring authority.

73. Rules have been framed by the Central Government under the power delegated under Section 45 of the Act. The Rules make provisions regarding hiring of interpreters, translators, special educators and experts to provide assistance to the child during the investigation and trial process; arrangements for care and protection of the child;

emergency medical care of the child; mechanism for monitoring the implementation of the Act by the National Commission for Protection of Child Rights (NCPCR) and State Commissions for Protection of Child Rights (SCPCRs) and payment of compensation to the victim-child for relief and rehabilitation.

74. Model Guidelines also been developed by the Ministry of Women and Child Development for use of NGOs, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child. These Guidelines can be adopted or adapted by the State Governments as per their requirements.

Criminal Law Amendment Act, 2013

75. A Criminal Law (Amendment) Act, 2013 passed to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012. Some of the key features of the Act are given below:

- Insertion of a provision of an attack of throwing or administering acid or an attempt to throw or administer acid.
- Insertion of new sections 166A and 166B relating to public servant disobeying directions under the law.
- Insertion of new section related to sexual harassment.
- Assault or use of criminal force to woman with intent to disrobe, voyeurism and stalking also covered under the Act.
- Trafficking that includes any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude or the forced removal of organs included in the Act.
- Definition of rape revised under section 375 of IPC to make it more comprehensive.
- Higher punishment for causing death or resulting in persistent vegetative state of victim.
- Sexual intercourse by husband upon his wife during separation made, without her consent, made punishable.
- Gang rape defined with higher punishments.
- Higher punishments for repeat offenders.

The National Food Security Act, 2013

76. The National Food Security Act, 2013 was notified on 10 September 2013 to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. Key features of the Act are as under:

- Provision of right to receive food grains at subsidized prices by persons belonging to eligible households under Targeted Public Distribution System.
- Nutritional support to pregnant women and lactating mothers.
- Nutritional support to children through local Anganwadi. Promotion of exclusive breastfeeding if children are below the age of six months.
- In case of children in the age group of 6-14 years, one mid-day meal, free of charge, every day, except on school holidays, in all schools run by local bodies, Government

and Government aided schools as per nutrition standards specified in Schedule of the Act.

- Provision of meals to children who suffer from malnutrition.

- In case of non-supply of the entitled quantities of food grains or meals to entitled persons, such persons are entitled to receive such food security allowance from the concerned State Government.

- Provides for a two-tier grievance redressal mechanism consisting of District Grievance Redressal Officer for each district for expeditious and effective redressal of grievances and State Food Commission for monitoring and review of implementation of the Act. The Act also contains provision for internal grievance redressal mechanism. Besides, the provisions for transparency and accountability in the Act include setting up of Vigilance Committees at State, District, Block and Fair Price Shop (FPS) levels with due representation to the local authorities, Scheduled Castes, Scheduled Tribes, women and destitute persons or persons with disability to inter alia regularly supervise implementation of all schemes under the Act.

- The Act inter alia provides for a period not exceeding 365 days after the commencement of the Act for identification of eligible households for receiving subsidized food grains under the Targeted Public Distribution System (TPDS).

(b) New institutions (and their mandates) or institutional reforms

77. State Commissions under the Commissions for Protection of Child Rights Act, 2005 have been set up in all States and three UTs (Andaman & Nicobar, Delhi and Lakshadweep). The Mandate of the State Commissions is the same as that of the National Commission for Protection of Child Rights (NCPCR) in their respective States. The mandate of Commission is provided in Section 1.1, page 4 of India's combined third and fourth periodic reports on the Convention on the Rights of the Child.

(c) Recently introduced policies, programmes and action plans and their scope and financing

National Policy for Children, 2013

78. The Government adopted a new National Policy for Children, 2012 on 26th April, 2013. The Policy reaffirms the Government's commitment to the realization of the rights of all children in the country. It recognizes every person below the age of eighteen years as a child and that childhood is an integral part of life with a value of its own, and a long term, sustainable, multi-sectoral, integrated and inclusive approach is necessary for the harmonious development and protection of children.

79. The Policy lays down the guiding principles that must be respected by the national, state and local Governments in their actions and initiatives affecting children. Some of the key guiding principles are: the right of every child to life, survival, development, education, protection and participation; equal rights for all children without discrimination; the best interest of the child as a primary concern in all actions and decisions affecting children; and family environment as the most conducive for the all-round development of children.

80 The Policy has identified survival, health, nutrition, education, development, protection and participation as the undeniable rights of every child, and has also declared these as key priority areas.

81. As children's needs are multi-sectoral, interconnected and require collective action, the Policy aims at purposeful convergence and strong coordination across different sectors and levels of governance; active engagement and partnerships with all stakeholders; setting

up of a comprehensive and reliable knowledge base; provision of adequate resources; and sensitization and capacity development of all those who work for and with children.

82. A National Plan of Action will be developed to give effect to the Policy and a National Coordination and Action Group (NCAG) will be constituted to monitor the progress of implementation. Similar plans and Coordination and Action Groups will be constituted at the State and District levels. The National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights are to ensure that the principles of the Policy are respected in all sectors at all levels. There is a provision for review of the Policy every five years. The Ministry of Women and Child Development will be the nodal Ministry for overseeing and coordinating the implementation of the Policy and will lead the review process.

National Early Childhood Care and Education Policy, 2013

83. The Government adopted the National Early Childhood Care and Education (ECCE) Policy on 27 September, 2013. The Policy would help to 158.7 million Indian children under six years of age who need holistic and integrated early childhood care. In particular it would enable preschool education inputs for their optimum development to realize their potential. The vision of the National ECCE Policy is to promote inclusive, equitable and contextualized opportunities for promoting optimal development and active learning capacity of all children below 6 years of age. The Policy focus is on early preschool learning for every child below six years.

84. The key areas of this policy are universal access with equity and inclusion, quality in ECCE, strengthening capacity, monitoring and supervision, advocacy and awareness generation, research and documentation, convergence and coordination among policies and programmes, institutional and implementation arrangements, partnerships and periodic review.

(d) Recent ratifications of human rights instruments

85. No new ratification of human rights instruments has taken place since the submission of India's periodic report in 2011.

Part III

Data, Statistical and other information, if available

1. **Please specify the number of children with disabilities, up to the age of 18, disaggregated by age, sex, geographic location, socio-economic background and type of disability, including mental and psycho-social disabilities, covering the years 2011-2013.**

(a) Living with their families;

(b) Living in institutions;

(c) Placed in foster care;

(d) Attending mainstream schools with inclusive education;

(e) Attending special schools;

(f) Not attending school.

86. The Census, 2011 collected detailed information on persons with disabilities. Information was collected on eight types of disabilities as against five in Census 2001. The questions were designed to cover most of the disabilities listed in the "Persons with Disabilities Act, 1995" and "The National Trust Act, 1999. The data on disability from Census 2011 is given below.

Proportion of Disabled Population up to the age of 19 years, Census 2011

Age Group	*Persons*	*Males*	*Females*	*SCs*	*STs*
0-4	1.14	1.18	1.11	1.25	0.95
5-9	1.54	1.63	1.44	1.67	1.37
10-19	1.82	1.96	1.67	1.98	1.64

Source: Census 2011.

87. The number of children with disabilities enrolled in schools has risen from 1.402 million in 2009-10 to 2.175 million in 2012-13. The data on children with disabilities living in institutions, living with their families, placed in foster care, attending special schools and not attending schools is not available.

2. **Please provide statistical data on:**

(a) The number of children abandoned by parents under the so-called "cradle baby scheme" in the State party

(b) The number of children who have been victims of ill-treatment and abuse as well as the number of complaints, investigations, prosecutions and convictions in this regard

(c) The number of children who have been victims of sexual abuse and exploitation, including victims of trafficking, as well as number of complaints, investigations and prosecutions carried out in this regard

(d) The number of children who have been victims of child marriage as well as number of complaints, investigations and prosecutions carried out in this regard

(e) The number of working children, disaggregated by age, sex, geographic location and socio-economic background;

(f) The number of children in institutional care, including information on the reasons for their placement in institutional care;

(g) The number of refugee, asylum-seeking children and/or children in otherwise irregular migration situations presently subject to detention

Response to question 2 (b) – (d) is given below:

Number of child victims of sexual abuse, exploitation and trafficking

S.No.	*Crime head*	*2012*
1.	Procuration of minor girls	809
2.	Murder	1,597
3.	Rape	8,541
4.	Kidnapping and Abduction	18,266
5.	Exposure and abandonment	821
6.	Importation of girls from foreign country	59
7.	Buying of girls for prostitution	108
8.	Immoral Trafficking(Prevention) Act, 1956	3,554

Source: Crime in India, 2012, National Crime Records Bureau, Ministry of Home Affairs, GOI.

Disposal of Cases by Courts for various crimes committed against Children during 2012

S.No.	*Crime Head*	*Total number of trial cases*	*Compounded or withdrawn*	*Convicted*	*Pending trial*
1.	Murders	5976	4	365	5063
2.	Rape	26,972	53	1158	22,812
3.	Kidnapping and Abduction	29,217	54	1025	25,083
4.	Exposure and abandonment	836	2	8	741
5.	Procuration of minor girls	1,631	38	25	1,318
6.	Buying of girls for prostitution	152	0	1	140
7.	Selling of girls for prostitution	313	2	4	285

S.No	Crime Head	Total number of trial cases	Compounded or withdrawn	Convicted	Pending trial
8	Prohibition of Child Marriage Act, 2006	477	4	9	424

Source: Crime in India, 2012, National Crime Records Bureau, Ministry of Home Affairs, GoI

Response to question 2 (e)

88. As per the 2001 Census there were 12.66 million working children in the age group of 5-14 years. The result of 2011 Census with regard to working children is still awaited.

89. As per the National Sample Survey Organization, there were 4.98 million working children in 2009-10. The number has declined significantly from 9.07 million as indicated by an earlier survey conducted by NSSO in 2001-05.

90. Detailed information related to working children has already been provided under section 8C.1.1 of India's combined third and fourth periodic reports on the Convention on the Rights of the Child. No new data has been released since then.

Response to question 2 (f)

91. Under the Juvenile Justice (Care and Protection of Children) Act, 2000, children in conflict with law and children in need of care and protection are placed in shelter homes, children homes, observation homes and special homes as per the provisions of the Act.

92. The number of children in institutional care under the Integrated Child Protection Scheme is given below.

Children Supported under Institutional Care Program under ICPS

Year	Number of Children Supported
2009-10	36,840
2010-11	93,560
2011-12	50,118
2012-13	75,052

Response to question 2 (g)

93. Information may be taken from Ministry of Home Affairs.

3. Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments

94. Since the submission of the India's periodic report in 2011, several data sets from the Census, 2011 have been released. A summary of the latest data available is given in annex IV.

4. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.

95. The Government has recognized survival, health, nutrition, development, education, protection and participation as the priority areas that require affirmative measures. These have also been declared the priority areas under the new National Policy for Children, 2013, which states these priority areas as undeniable right of every child.

96. The Government is also committed to encouraging active involvement, participation and collective action of stakeholders in securing these rights of the child. Further, the Government recognizes that addressing the rights and needs of children requires programming across different sectors and integrating their impact on the child in a

synergistic way. This calls for conscious, convergent and collateral linkages among different sectors and settings, with indicators for tracking progress. The Government is also committed to allocate the required financial, material and human resources, and their efficient and effective use, with transparency and accountability.

Annexes

Annex I

Definition of the child in different laws affecting children

Legislation and responsible Ministry	*Age of child*
Juvenile Justice (Care and Protection of Children) Act, 2000 (Ministry of Women and Child Development)	18 years
Protection of Children from Sexual Offences Act, 2012 (Ministry of Women and Child Development)	18 years
The Prohibition of Child Marriage Act, 2006 (Ministry of Women and Child Development)	Minimum age for marriage of girls is 18 years and for boys, 21 years
The Domestic Violence Act, 2005 (Ministry of Women and Child Development)	18 years
The Immoral Traffic Prevention Act (ITPA), 1956 (Ministry of Women and Child Development)	16 years
Right of Children to Free and Compulsory Education Act (Ministry of Human Resource Development)	The Act lays down the right of every child in the age group of 6-14 years to free and compulsory education till the completion of elementary education
Child Labour (Regulation and Prohibition) Act, 1986 (Ministry of Labour and Employment)	14 years (This Act is currently being amended)
The Indian Majority Act, 1875 (Ministry of Law and Justice)	18 years
The Guardian and Wards Act, 1890 (Ministry of Law and Justice)	18 years
The Persons with Disability Act, 1995 (Ministry of Social Justice and Empowerment)	18 years
The Factories Act, 1948 (Ministry of Labour and Employment)	14 years
The Plantation Labour Act, 1951 (Ministry of Labour and Employment)	14 years
The Bidi and Cigar Workers Act, 1966 (Ministry of Labour and Employment)	14 years
The Apprentices Act, 1961 (Ministry of Labour and Employment)	Not defined
The Motor Transport Workers Act, 1961 (Ministry of Labour and Employment)	14 years
The Merchant Shipping Act, 1958 (Ministry of Labour and Employment)	18 years
The Mines Act, 1952	15 years

Legislation and responsible Ministry	*Age of child*
(Ministry of Labour and Employment)	
The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Ministry of Health and Family Welfare)	The Act specifies that no person is allowed to sell tobacco products to any person below the age of 18 years.
The Motor Vehicles Act, 1988 (Ministry of Road Transport and Highways)	The Act specifies that no person under the age of 18 years shall drive a motor vehicle in any public place: Provided that a motor cycle without gear may be driven in a public place by a person after attaining the age of 16 years
The Indian Penal Code (IPC) (Ministry of Home Affairs)	Section 82 of IPC, considers that the child up to 12 is not capable of committing an offence, while Section 83 says nothing is an offence which is done by a child who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion. Thus there is total immunity from criminal responsibility up to the age of 7 and from 7 to 12 years, the liability depends upon the capacity of understanding of the child.
Criminal Law Amendment Act, 2013 (Ministry of Home Affairs)	Section 375 defines rape as committed by a man, with or without consent with a woman under the age of 18 years

Annex II

Year wise cases filed under PCPNDT Act

S. No	*States/ UTs*	*2010-11*	*2011-12*	*2012-13*
1	Jammu & Kashmir	0	2	4
2	Himachal Pradesh	0	0	0
3	Punjab	7	26	2
4	Chandigarh	1	1	0
5	Uttarakhand	0	0	0
6	Haryana	6	12	4
7	Delhi	2	1	0
8	Rajasthan	106	60	0
9	Uttar Pradesh	2	2	1
10	Bihar	0	0	0
11	Sikkim	0	0	0
12	Arunachal Pradesh	0	0	0
13	Nagaland	0	0	0
14	Manipur	0	0	0
15	Mizoram	0	0	0
16	Tripura	0	0	0
17	Meghalaya	0	0	0
18	Assam	0	0	2
19	West Bengal	0	0	1
20	Jharkhand	0	0	18
21	Orissa	0	20	13
22	Chhattisgarh	0	5	0
23	Madhya Pradesh	11	13	0
24	Gujarat	0	0	18
25	Daman & Diu	0	0	0
26	D & N Haveli	0	0	0
27	Maharashtra	20	137	210
28	Andhra Pradesh	0	0	0
29	Karnataka	2	0	0
30	Goa	0	0	11
31	Lakshadweep	0	0	0
32	Kerala	0	0	0
33	Tamil Nadu	0	0	0
34	Puducherry	0	0	0
35	A & N Islands	0	0	0
Total		**157**	**279**	**284**

Source: PCPNDT Division, Ministry of Health and Family Welfare, GOI.

Annex III

Status of Implementation of the Right of Children to Free and Compulsory Education Act, 2009

Enrolment

Indicator	*2009-10*	*2012-13*
Total enrolment primary	13,34,05,581	13,47,84,272
Total enrolment upper primary level	5,44,67,415	6,49,26,077
Percentage of girls to total enrolment primary	48	48
Percentage of girls to total enrolment upper primary	48	49
Percentage of Scheduled Caste to total enrolment	20	20
Percentage of Scheduled Tribe to total enrolment	11	11
Percentage of Muslim to total enrolment	13	14
Children with Special Needs enrolment	14,02,817	21,75,768
Annual average drop-out rate -Primary	9.1	5.6
Teachers and Quality of Education		
Total teachers (Government plus aided schools)	44,77,429	44,63,642
Pupil Teacher Ratio	32	27
Percentage of teachers with professional qualification		81
Number of states with working hours as per RTE		34
Number of States with instructional hours as per RTE		33

	2009	*2013*
Notification of State Rules	15	34
No detention	27	34
No corporal punishment	28	34
Banning private tuition	18	34
Decentralised grievance redressal mechanism		20

Source: The Right of Children to Free and Compulsory Education Act, 2009, the 3rd Year, Ministry of Human Resource Development, Department of School Education and Literacy.

Annex IV

Key Statistics on children

S. No.	*Indicator*	*Status*	*Source*
1.	Child population (0-18 years)	472 million	Census 2011
		428 million	Census 2001
2.	Children in the age group of 0-6 years	158.8 million	Census 2011
		163.8 million	Census 2001
3.	Child-sex Ratio (number of females per 1000 males in the age group of 0-6 year)	914	Census 2011
		927	Census 2001
Health			
4.	Infant Mortality rate (Probability of dying before completing one year of life)	42 (2012)	Sample Registration System
		47 (2010)	
5.	Neo Natal Mortality Rate (Probability of children dying before completing four weeks of life)	33 (2010)	Sample Registration System
6.	Under Five Mortality Rate (Probability of dying before reaching the age of five years)	59 (2010)	Sample Registration System
7.	Fully immunized children	61% in the age group 12-23 months	Coverage Evaluation Survey, 2009
8.	Maternal Mortality Ratio (number of women aged 15-49 years dying due to maternal causes per 1,00,000 live births)	178 (2010-12)	Sample Registration System (SRS)
		212 (2007-09)	
Education			
9.	Total Enrolment at primary Level (Classes I-V)	133.4 million (2009-10)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
		135.2 million (2010-11)	
		134.7 million (2012-13)	
10.	Total Enrolment at upper primary Level (Classes VI-VIII)	54.4 million (2009-10)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
		57.8 million (2010-11)	
		64.9 million (2012-13)	
11.	Percentage of Girls to total enrolment at primary level		"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
		48% (2009-10)	
		48% (2010-11)	
		48% (2012-13)	

S. No.	Indicator	Status	Source
12.	Percentage of Girls to total enrolment at upper primary level	48% (2009-10) 48% (2010-11) 49% (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
13.	Gender Parity Index at Primary level (Ratio of girls to boys in primary, education)	0.94 (2009-10) 0.94 (2010-11) 0.94 (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
14.	Gender Parity Index at Upper Primary level (Ratio of girls to boys in upper primary education)	0.93 (2009-10) 0.94 (2010-11) 0.95 (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
15.	Annual Average drop-out rate (Primary)	9.1 (2009-10) 6.8 (2010-11) 5.6 (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
16.	Number of States that have banned corporal punishment under Right to Education Act, 2009	34	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
17.	Percentage of schools with drinking water facility	93 (2009-10) 93 (2010-11) 95 (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
18.	Percentage of schools with toilet facility	82 (2009-10) 84 (2010-11)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
19.	Percentage of schools with ramp	47 (2009-10) 50 (2010-11) 56 (2012-13)	"The 3rd Year -The Right of Children to Free and Compulsory Education Act, 2009",Ministry of Human Resource Development
Protection			
20.	Murder of children	1597 (2012) 1451 (2011) 1408 (2010)	Crime in India 2010, 2011, 2012, National Crime Records Bureau
21.	Infanticide	81 (2012)	Crime in India 2010, 2011, 2012, National Crime

S. No.	Indicator	Status	Source
		63 (2011)	Records Bureau
		100 (2010)	
22.	Rape of children	8541 (2012)	Crime in India 2010, 2011,
		7112 (2011)	2012, National Crime
		5484 (2010)	Records Bureau
23.	Kidnapping and Abduction of children	18266 (2012)	Crime in India 2010, 2011,
		15284 (2011)	2012, National Crime
		10670 (2010)	Records Bureau
24.	Foeticide of children	210 (2012)	Crime in India 2010, 2011,
		132 (2011)	2012, National Crime
		111 (2010)	Records Bureau
25.	Exposure and Abandonment of children	821 (2012)	Crime in India 2010, 2011,
		700 (2011)	2012, National Crime
		725 (2010)	Records Bureau
26.	Procuration of Minor Girls	809 (2012)	Crime in India 2010, 2011,
		862 (2011)	2012, National Crime
		679 (2010)	Records Bureau
27.	Buying of Girls for Prostitution	15 (2012)	Crime in India 2010, 2011,
		27 (2011)	2012, National Crime
		78 (2010)	Records Bureau
28.	Selling of Girls for Prostitution	108 (2012)	Crime in India 2010, 2011,
		113 (2011)	2012, National Crime
		130 (2010)	Records Bureau